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21 Attorneys for Defendant
22 BARRY BONDS

23 UNITED STATES DISTRICT COURT
24 NORTHERN DISTRICT OF CALIFORNIA
25 SAN FRANCISCO DIVISION

| | | |
|------------------------------|---|----------------------------|
| 26 UNITED STATES OF AMERICA, |) | Case No.: CR 07-0732 SI |
| 27 |) | |
| 28 Plaintiffs, |) | STIPULATION AND [PROPOSED] |
| 29 |) | ORDER FOR PRE-TRIAL |
| 30 vs. |) | DETERMINATION OF CERTAIN |
| 31 |) | EVIDENTIARY ISSUES |
| 32 BARRY LAMAR BONDS, |) | |
| 33 |) | |
| 34 Defendants |) | |

35 WHEREAS, the parties believe that pre-trial determination of certain evidentiary
36 issues will contribute to a just and orderly trial; and

37 WHEREAS, the parties believe that by proceeding cooperatively they can develop a

1 sufficient record for the Court to consider the admissibility of certain evidence; and

2 WHEREAS, the parties have extensively met and conferred to discuss a format and
3 schedule for presentation of these matters to the Court;

4 NOW, THEREFORE, the parties respectfully submit the following stipulation for the
5 Court's consideration:

6 1. On or before December 12, 2008, Defendant will advise the Government by
7 letter whether Defendant will object to the admission at trial of particular evidence in the
8 following categories:

- 9 a. Laboratory and chemical tests;
10 b. Documentary evidence; and
11 c. Opinion evidence on the effects of anabolic steroids and human growth
12 hormone.

13 If Defendant objects to items within these categories, which have been produced in
14 discovery, Defendant will identify the objectionable item with reasonable particularity, and
15 provide a brief statement (for example, "hearsay," or "no foundation to connect the evidence
16 to the Defendant") stating the grounds for objection.

17 2. On or before December 26, 2008, the Government will advise Defendant in
18 writing of whether or not it intends to offer the challenged items into evidence
19 notwithstanding Defendant's objection. As to items which the Government intends to offer,
20 the Government will provide an offer of proof as to how it intends to overcome the
21 Defendant's objections.

22 3. If the Defendant believes that the Government's offer of proof does not
23 provide a sufficient basis for admissibility, the Defendant will file a formal motion on or
24 before January 15, 2009, asking the Court to exclude the evidence from the trial.

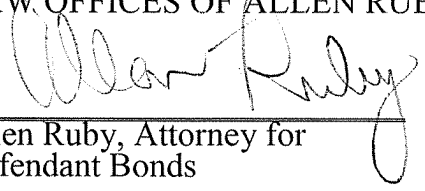
25 4. The Government will have 14 days to respond to the Defendant's motion
26 papers. The parties will ask the Court for a hearing date in early February.

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1 DATED: December 2, 2008

LAW OFFICES OF ALLEN RUBY


Allen Ruby, Attorney for
Defendant Bonds

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5 DATED: December 2, 2008

15/
Jeffrey Finigan
Assistant United States Attorney

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7
8
9 So Ordered

10 DATED: December _____, 2008


SUSAN ILLSTON
United States District Court Judge

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